

SENATE BILL 3136

By McNally

AN ACT to amend Tennessee Code Annotated, Title 67,
Chapter 1, relative to taxpayer remedies for
disputed taxes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 67-1-1807, is amended by deleting the section in its entirety and by substituting instead the following language:

67-1-1807.

(a) All taxes collected or administered by the commissioner of revenue shall be governed by the laws regarding suits challenging assessments or seeking refunds as set out in this part, and each taxpayer may proceed only on its own behalf. The procedures set out in this part shall be the exclusive jurisdiction and sole means of challenging the validity, constitutionality, applicability, or amount of any tax collected or administered by the commissioner or the liability for such tax.

(b) No court shall issue any declaratory judgment, restraining order, injunction, stay, supersedeas, prohibition, or other writ or process to construe any tax law, to determine any liability, or to prevent, hinder, or delay the collection of any tax to which this part applies, but a court in which suit has properly been brought under § 67-1-1801(b) may determine whether the taxpayer has complied with §§ 67-1-1801(c), (d), (e), and (f) so as to stay collection of the tax pending final determination of the suit.

(c) In all instances in which any person or entity shall claim that a tax collected or administered by the commissioner is invalid, unconstitutional on its

face or as applied, inapplicable, incorrect in amount, or has been or is being improperly administered, assessed, or collected, the person or entity so complaining shall follow the procedures for challenging an assessment or seeking a refund as set out in this part. No court shall maintain a class action challenging liabilities, seeking refunds, or pertaining to any tax collected or administered by the commissioner.

(d) It shall not be a condition precedent for suit challenging or seeking the recovery of taxes collected or administered by the commissioner that such taxes be paid under protest, involuntarily, or under duress.

SECTION 2. This act shall take effect July 1, 2010, the public welfare requiring it.